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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,024	09/02/2003	Gregg M. Duthaler	H-357	2023
26245 7590 03/21/2007 DAVID J COLE E INK CORPORATION 733 CONCORD AVE CAMBRIDGE, MA 02138-1002			EXAMINER THOMAS, BRANDI N	
			ART UNIT 2873	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/605,024	Applicant(s) DUTHALER ET AL.	
	Examiner Brandi N. Thomas	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-27, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-27 and 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17-27 and 33-44 rejected under 35 U.S.C. 102(e) as being anticipated by Webber et al. (2004/0252360 A1)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 17, Webber et al. discloses, in figure 2, an article of manufacture comprising: a layer of a solid electro-optic medium (302) having first and second surfaces on opposed sides thereof (section 0063); a first adhesive layer (308) on the first surface of the layer of solid electro-optic medium (302) (section 0063); a release sheet (314) disposed on the opposed side of the first adhesive layer (308) from the layer of solid electro-optic medium (302) (section 0063); and a second adhesive layer (312) on the second surface of the layer of solid electro-optic medium (302) (section 0063).

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Regarding claim 18, Webber et al. discloses, in figure 2, an article of manufacture, further comprising a second release sheet (310) disposed on the opposed side of the second adhesive layer (312) from the layer of solid electro-optic medium (302) (section 0063).

Regarding claims 19, 22, 33, and 37, Webber et al. discloses, in figure 1, an article of manufacture, wherein the electro-optic medium (130) is an electrophoretic medium comprising a plurality of capsules (140), each capsule (140) comprising a suspending fluid (165), a plurality of electrically charged particles (150 and 160) suspended in the suspending fluid (165) and capable of moving therethrough on application of an electric field to the suspending fluid (165), and a capsule wall surrounding the suspending fluid and the electrically charged particles (150 and 160) (section 0059).

Regarding claim 20, Webber et al. discloses, in figure 2, an article of manufacture, wherein the first and second adhesive layers (308 and 312) extend beyond the periphery of the layer of electro-optic medium (302) (see figure 2).

Regarding claim 21, Webber et al. discloses, in figure 2, an article of manufacture, a layer of a solid electro-optic medium (302) having first and second surfaces on opposed sides thereof (section 0063); a first release sheet (310) in contact with the first surface of the layer of solid electro-optic medium (302) (section 0063); and a second release sheet (314) in contact with the second surface of the layer of solid electro-optic medium (302) (section 0063).

Regarding claim 23, Webber et al. discloses, in figure 2, a process for forming an electro-optic display, the process comprising: providing an article of manufacture comprising a layer of a solid electro-optic medium (302) having first and second surfaces on opposed sides thereof (section 0063); a first adhesive layer (308) on the first surface of the layer of solid electro-optic

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medium (302) (section 0063); a release sheet (314) disposed on the opposed side of the first adhesive layer (308) from the layer of solid electro-optic medium (302) (section 0063); and a second adhesive layer (312) on the second surface of the layer of solid electro-optic medium (302) (section 0063); laminating the article to a front substrate via the second adhesive layer (312), thereby forming a front subassembly (section 0066); removing the release sheet from the front subassembly (section 0066); and laminating the front subassembly via the first adhesive layer to a backplane comprising at least one electrode, thereby forming the electro-optic display (section 0067).

Regarding claim 24, Webber et al. discloses, in figure 2, a process for forming an electro-optic display, wherein the front substrate comprises an electrode (section 0067).

Regarding claim 25, Webber et al. discloses, in figure 2, a process for forming an electro-optic display, wherein the front substrate comprises a color filter array (section 0066).

Regarding claim 26, Webber et al. discloses, in figure 2, a process for forming an electro-optic display, wherein the article of manufacture comprises a second release sheet (314) covering the second adhesive layer (312) (section 0063), and the process comprises removing the second release sheet (314) from the second adhesive layer (312) prior to laminating the article to the front substrate (section 0066).

Regarding claim 27, Webber et al. discloses, in figure 2, a process for forming an electro-optic display, wherein the first and second adhesive layers (308 and 312) of the article of manufacture extend beyond the periphery of the layer of electro-optic medium (302), and wherein during the process the peripheral portions of the first and second adhesive layers (308

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and 312) are adhered to each other, thereby forming an edge seal around the electro-optic medium (302) (see figure 2).

Regarding claims 34, 38, and 42, Webber et al. discloses, in figure 2, an article of manufacture, wherein the suspending fluid (165) and the plurality of electrically charged particles (150 and 160) are present as a plurality of discrete droplets and a continuous phase of polymeric material surrounds the droplets (section 0011 and 0020).

Regarding claims 35, 39, and 43, Webber et al. discloses, in figure 2, an article of manufacture, wherein the suspending fluid (165) and the plurality of electrically charged particles (150 and 160) are retained within a plurality of cavities formed in a carrier medium (130) (section 0059).

Regarding claims 36, 40, and 44, Webber et al. discloses, in figure 2, an article of manufacture, wherein the electro-optic medium is a rotating bichromal member medium or an electrochromic medium (section 0031).

Response to Arguments

3. Applicant's arguments with respect to claims 17-27 and 33-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N. Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

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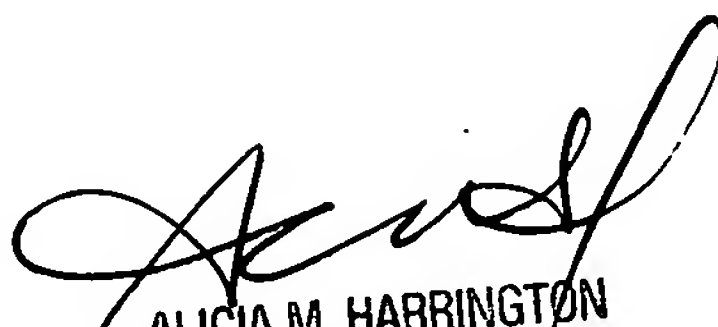
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BNT

Brandi N Thomas
Examiner
Art Unit 2873



ALICIA M. HARRINGTON
PRIMARY EXAMINER